

# Gendernativism and Liberal Subjecthood: The Cases of Forced Marriage and the Burqa Ban in Switzerland

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Ideas of gender equality and women's rights have come to play a crucial role in national politics of belonging and Othering, in Europe and beyond. Based on two case studies in Switzerland, we introduce the concept of gendernativism. We consider gendernativism as a particular configuration of boundary making between supposedly unfree migrant (descendant) and Muslim women and free Swiss/Europeans which is anchored in a nativist underpinning of membership. We argue that this dichotomy (re)produces an illiberal state and is a powerful means of an intersectional, gendered, migrantized, and racialized exclusion based on nativist grounds.

## Introduction<sup>1</sup>

She [my gynecologist] could not believe that my marriage was not arranged or forced. She made a whole story out of it, saying things like: "I was almost certain that you'd end up like this." (24-year-old Swiss-Somali woman married to a Dutch-Somali)

No free human being covers their face. (Egerkingen Committee, responsible for the popular initiative on the burqa ban in Switzerland)

One must bear in mind, however, that it is also possible to freely choose to wear a face veil, as is the case for Swiss women who convert to Islam, for instance. (Report of the Federal Council concerning the popular initiative to ban face veils and the counterproposal, [Bundesrat 2019](#), 2938)

Statements like these, which concern migrant (descendant) and Muslim women,<sup>2</sup> raise the following questions. How can we understand this particular

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*socpol*: *Social Politics*, 2022 pp. 1–24

<https://doi.org/10.1093/sp/jxab053>

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boundary work between supposedly unfree migrant (descendant) and Muslim women, on the one hand, and free Europeans, on the other? And what are the consequences of such political and public discourses not only for the women concerned, but also for the idea of the liberal subject? In this article, we introduce the concept of gendernativism to shed light on some particular aspects of how such an exclusionary, gendered, migranticized, and racialized form of (non)membership is produced. We consider gendernativism as a particular configuration of boundary making between supposedly unfree migrant (descendant) and Muslim women and free Swiss/Europeans which is anchored in a *nativist* underpinning of membership. Gendernativism is a complex, intersectional form of Othering and produces not only exclusion but also simultaneously reinforces national cohesion by delimiting political subjecthood to the population considered as being “native.”

It is hardly novel to note that gender and sexuality have come to play a crucial role in national politics of belonging and Othering: scholars have demonstrated the many ways in which gender and sexuality inform nation building and nationalism, which are based on culturalized and racialized underpinnings (Bilge and Scheibelhofer 2012; Jaunait, Le Renard, and Marteu 2013; Phillips 2010). What is more recent is that ideas of gender equality and women’s rights have been mobilized in nationalist politics in Europe as boundary markers against migrants. While similar ideas were employed during the colonial past to justify “civilizing” supposedly oppressed women in the colonies (Lugones 2008), in postcolonial conditions such ideas target so-called migrants and their “integration” in European countries (Korteweg and Yurdakul 2020). Gender equality and women’s rights are presented as a done deal in Western Europe, even as genuine European values. “Others” are portrayed as incompatible with these values, threatening and illiberal because of their gender inequality and lack of respect for women’s rights, which are seen as grounded in their “culture” (Farris 2017).

By introducing the concept of gendernativism, we are not arguing that this is a new phenomenon. Rather, we pin down some aspects which have often remained underdiscussed in existing scholarly work. We understand gendernativism as a fundamental nativist conception of membership which underpins boundary making, leading to a dichotomy between the illiberal “Other” and the free and liberal Swiss/European. This reveals important facets of this phenomenon which until now have remained in the shadows. First, we argue that through the lens of gendernativism, we come to understand that this intersectional form of boundary work not only produces *exclusion* from the national community—as extensively shown by scholars—but also, and simultaneously, *reinforces national and nativist cohesion* among the in-group. Second, the concept allows us to grasp that this construction of “us” and “them” is no longer mobilized only by nationalists, right-wing parties, neoliberals, and some feminists, as for instance analyzed by Farris (2017). Rather, it is now common across the political spectrum and *entrenched in the everyday*

*life and actions of many people.* As we will depict in our case studies, gendernativism has become part of the dominant public discourse and repertoire, a standard assumption through which to interpret the world and a template for different actors in and beyond the political realm, with wide-ranging consequences.

Finally, the concept of gendernativism brings to light the ways in which migrant and Muslim women are erased *as political subjects of liberal democracy.* We demonstrate that fundamental freedoms of migrant and Muslim women—to marry, believe, and dress freely—are not merely *restricted*, but are not even *conceded* in the first place. The lens of gendernativism thus enables us to understand not only how assumptions about migrant and Muslim women’s lack of autonomy are (re)produced, but also how they result in the violation of fundamental liberal democratic rights and liberties. This boundary work results in a construction where only those who are considered as “native” Swiss or European are ascribed a subjecthood in liberal terms.

The article starts with a theoretical section where we introduce the concept of gendernativism and locate it in relation to the existing body of work in this field. We then present an analysis of the two case studies, one on “forced marriage” and the other on the so-called “burqa ban.” Both case studies follow a critical discourse analysis approach (Wodak 2013) including documents from different sources. The first case study is based on an analysis of Swiss media articles, Swiss laws, relevant parliamentary debates, as well as a report of the Federal Council and insights from the fieldwork of former studies. The burqa ban case study analyzes the arguments of the pro-ban committee and the relevant report by the Federal Council. In the conclusion, we return to our theoretical discussion and highlight how the concept of gendernativism allows us to push these debates further.

## Why a New Concept Focusing on Nativism?

In recent years, many social scientists have investigated the ways in which gender equality and women’s rights have been used as boundary markers in nationalist politics. Scholars have explored how gender equality and women’s rights have been instrumentalized to racialize and culturalize sexism (Delphy 2006; Dustin and Phillips 2008), and they have critically scrutinized the mechanisms marking migrant and Muslim women on the basis of their allegedly special and problematic gender relations, sexuality, and sexual order (Dahinden, Duemmler, and Moret, 2014; Dietze 2016). Introducing the term *femotionalism*, Farris (2017) analyzed how right-wing parties and neoliberals (and sometimes feminists) have exploited feminist themes in anti-Islam campaigns, and how these representations are informed by deeply rooted racist stereotypes as well as economic interests and practices. Hadj Abdou (2017) brings up the concept of *gendernationalism* to depict how gender equality has

been used by a wide range of actors to construct the “self” in opposition to the “immigrant Other” in *nationalist* narratives. Others have observed that the increasing importance of morality—in terms of gender and sexuality—in shaping citizenship and integration policy has produced new forms of national exclusion (Duyvendak 2011).

Many scholars have also pointed to the colonialist legacies that this discursive construction reproduces, pointedly described by Gayatri Spivak (1993, 91) as “white men saving brown women from brown men” (see also Abu-Lughod 2002; Lutz 1991). Historically established global hierarchies and ideologies of Western dominance are reproduced by presenting the West and “liberal feminism” as superior to the rest of the world (Nader 1989; Said 1978). Finally, scholars have reflected upon the articulation of this form of Othering with liberal ideas. Referring to the partial shift from nationalism to “civilizationism,” Brubaker (2017, 1191) argues that the belief that Islam poses a civilizational threat to the West has given rise to an “identitarian ‘Christianism,’ a secularist posture, a philosemitic stance and an ostensibly liberal defense of gender equality, gay rights, and freedom of speech.” Similarly, Brown (2016, 455) has argued that this particular form of Othering is increasingly carried out in the name of liberalism. The extent to which immigrants, and especially Muslims, are “believed to have acceptably liberal values has become a site of national boundary making in Western Europe.” Relatedly, Korteweg and Yurdakul (2020) argue that liberal feminism contributes to this Othering because its universal claims regarding gender equality are often blindly rooted in, and limited to, the experiences of white, middle-class women (see also Mohanty 1984).

Our article builds on these insights while highlighting some complementary facets. In a nutshell, the quoted scholarly work depicts how this Othering through gender equality is embedded in *nationalist* and *postcolonial* conditions and the ways in which it draws on *racist ideas of liberalism* and *white feminism*. While building on this foundation, the concept of gendernativism goes beyond by drawing attention to the *nativist* underpinning of this phenomenon and its specific consequences. Nativism “holds that states should be inhabited exclusively by members of the native group (the nation) and those non-native elements (persons and ideas) are fundamentally threatening to the homogeneous nation-state” (Mudde 2007, 19). Duyvendak (2012, 2) defines nativism as a specific form of xenophobia “where the Other is constructed in cultural terms as the opposite of the ‘real,’ ‘authentic,’ ‘rooted’ citizen.”

In the Swiss context, which will be the focus in this article, nativism is a complex and multilayered construction: First, in German, a particular term, *Eidgenossen*, conveys the idea of “natives.” The official name for Switzerland in German is *Schweizerische Eidgenossenschaft* (as opposed to *Confédération* and *Confederazione* in French and Italian, respectively) and goes back to the political history of Switzerland. The term *Eidgenosse* refers to individual (male) members of the *Eidgenossenschaft* and has its origin in the so-called

Rütlichswur (Oath of Rütli) between the three founding cantons of Switzerland in the thirteenth century. The notion of the Schweizerische Eidgenossenschaft thus stipulates an organic development of the Swiss nation since the medieval oath pact.<sup>3</sup> Nowadays, *Eidgenosse* is commonly used for people considered to be of “native” Swiss origin (with common ancestry) and is usually reserved in the public discourse and imaginary for Swiss people with no immigration in their family history (ever).<sup>4</sup> Evidently, whiteness is part of the imaginary of the Swiss idea of nativism (for whiteness in the Swiss context see [Michel 2015](#)). Yet, whiteness alone does not guarantee that one will be considered “native.” The distinction between “natives” and “non-natives” is demonstrated by the commonly used French term *citoyen de souche*, “citizen by origin,” as opposed to “citizens not by origin,” hence non-“native” citizens. Conversely, the German term *Papierschweizer*, “Swiss by paper,” is commonly used to describe people who are Swiss citizens by naturalization, hence people who again would not be considered as *Eidgenossen* ([Menet 2010](#)). Significantly, both terms, *Papierschweizer* and *citoyen de souche* are also ascribed to naturalized (white) Europeans—Italians, Germans, French, or people from former Yugoslavia—which points to migranticization and culturalization processes that underlie the construction of nativism beyond whiteness.

Likewise, the Swiss term over-foreignization (*Überfremdung*), which has origins in the late nineteenth century, points to this multilayered construction of nativism. Over-foreignization has been appropriated and mobilized by various populist parties in the twentieth and twenty-first centuries in order to limit immigration, be it from neighboring European countries or from outside the European Union (EU) ([Espahangizi 2019](#); [Kury 2003](#)). Over-foreignization relates to the nativist conception of the Swiss nation insofar as any foreigner—from within the EU or from outside the EU—can potentially be seen as a threat to “Swiss spirit and culture.” The discourse on *Überfremdung* has focused on, among others, the Italians, in the 1960s ([Bolzman, Fibbi, and Vial 2003](#)), the Germans in the 2000s ([Helbling 2011](#)), but also non-EU-migrants since the 1990s and Muslims more recently ([Fischer and Dahinden 2016](#)). We might say that the nativist construction of non-membership in Switzerland potentially targets any foreigner. It includes racist representations rooted in coloniality which produce whiteness as a necessary but not sufficient condition for nativism. Simultaneously, it incorporates the logic of the nation-state, which culturalizes and migranticizes differences (for a similar argument regarding the distinction of migranticization and racialization, see [Tudor 2018](#)).

In the following, we will show that gendernativism illuminates the intersectional construction of the unfree and illiberal migrant (descendant) and Muslim “Other.” We do not aim to compare the forced marriage and burqa ban cases. Instead, they provide complementary insights into the phenomenon at stake, together giving a clear picture of this form of boundary work.

## Combating Forced Marriage in the Name of Liberal Values

In scholarly literature, media discussions, and public policy, the term *forced marriage* refers to a marriage in which the free and full consent of at least one of the parties is lacking. In many European countries, forced marriage entered public and political discourse in the late 1990s (Ebeturk and Cowart 2017). Scholars have demonstrated that forced marriage came to be seen as an immigration issue in various national contexts and framed as a cultural practice that posed a threat to national or European values (Dustin and Phillips 2008; Razack 2004; Yurdakul and Korteweg 2013). In the following, we investigate the ways in which this view has led to nativist, gendered, migranticized, and racialized forms of exclusion in Switzerland.

### Development of the Debate and Measures

In Switzerland, forced marriage entered the public consciousness in the early 2000s, when media reports, non-governmental organizations working in the field of violence against women, and politicians all began raising the issue (for an overview on the media debates, see Cirigliano 2010). Simultaneously, several politicians, mostly Social Democrats and Liberals, raised the topic in the Federal Assembly. In 2007, the Federal Council, Switzerland's seven-member head of state, published a report (Bundesrat 2007) that laid the groundwork for further action and culminated in the Federal Act on Measures against Forced Marriages, which came into force on July 1, 2013.<sup>5</sup> First, forced marriage was made a special criminal offense under Article 181a of the Swiss Criminal Code in 2013, with a maximum penalty of five years' imprisonment—of course, it was already prohibited before that, under the more general offense of coercion. Second, new articles were introduced in what is today called the Federal Act on Foreign Nationals and Integration and in asylum law targeting family reunification. These articles make it possible to annul a marriage if, on assessing the reunification of spouses, the competent authorities have reason to believe that the marriage was forced. The ability to annul marriages was also introduced in the Swiss Civil Code if they are not conducted with the consent of the spouses or if one of the spouses is a minor. Third, civil registry officers are legally required to verify that couples applying for marriage are acting of their own free will. Additionally, a federal program to protect and support victims of forced marriage was introduced. In the following, we examine the main ways in which the debate and measures were framed.

### A Violation of Human and Women's Rights and a Culturally Determined Phenomenon

The very first media reports in the 2000s established forced marriage as an issue involving non-European migrant cultural "Others": these reports made

a discursive connection between forced marriage and so-called imported spouses.<sup>6</sup> After 2009, with the successful referendum for a minaret ban (see below), a further discursive link was established between forced marriage and Islam.

Along with the culturalization of this form of gendered violence, a second framing was central: in fact, the liberal principles of individual freedom, autonomy, and gender equality became the foundation on which this cultural Othering was established. This is visible in the first parliamentary inquiry in 2004 by Boris Banga, a Social Democratic Member of Parliament. He stated:

Forced marriage violates the right of those affected to self-determined marriage, personal freedom, human dignity and physical integrity. In addition to clearly being illegal under national law, it violates both the Universal Declaration of Human Rights (Article 16) and the European Convention for the Protection of Human Rights and Fundamental Freedoms (Article 12). Forced marriage cannot be accepted for either patriarchal-traditional or allegedly religious reasons.<sup>7</sup>

A similar discursive construction can be identified in a statement in the Federal Assembly in 2006 which was presented by Liberal Member of Parliament Trix Heberlein: “Forced marriages and arranged marriages are human rights violations that must be outlawed . . . Forced marriages are not an expression of a right to difference and cannot be justified by reference to the multicultural character of our society.”<sup>8</sup>

As these quotations illustrate, the “cultural Other” is discursively linked to group-determined patriarchal traditions, cultural views, and illiberalism that are foreign to (“native”) Switzerland. Culturalist interpretations of forced marriage have sometimes also had orientalist overtones, especially in the media. Forced marriage has been presented as “incompatible with our ‘Western’ culture”<sup>9</sup> and as “barbaric marriages that take place mainly in Africa, the Middle East and Asia.”<sup>10</sup> These quotations demonstrate that the legacy of colonialism continues to influence Othering processes in Switzerland. Although Switzerland never possessed colonies itself, it was highly entangled with colonial powers, employed colonial representations, and was involved in colonial practices (Purtschert and Fischer-Tiné 2015). Such postcolonial gendered representations, labeled in the Swiss context as “Raceless Racism” (Michel 2020), are one of the markers—in intersection with others—underlying the Othering of forced marriages.

Some actors were conscious that a culturalist framing of forced marriage risked reinforcing stereotypes of “foreign communities” in Switzerland. Some tried to avoid this risk by emphasizing women’s needs and rights, prioritizing them over cultural and religious rights, a strategy seen in Heberlein’s statement quoted above. She presents the issue as posing a clear choice between respecting either women’s and human rights, on the one hand, or cultural and

religious rights, on the other. In 2010 the Federal Commission for Women issued a report, “Women’s Rights—Culture—Religion,” according to which “practices that violate the rights of women and girls need to be condemned and combated independently of cultural or religious freedoms” (EKF 2010, 7). This tendency to present forced marriage as a feminist issue and as in opposition to anti-racism and multiculturalism is not only based on an essentialized and racialized understanding of culture, but is also well-known from other European countries (Razack 2004) and it is highly criticized by scholars (Lépinard 2020; Volpp 2001).

In Switzerland, it was mainly the left and liberal feminists who pushed the issue in the public and political arenas. But by connecting the issue to migration and a culturalist understanding of violence, gender equality, and women’s rights, they entered into an unlikely discursive alliance with right-wing actors, mainly the Swiss People’s Party (SVP), a phenomenon also common to other European countries (for Denmark, Norway, and Austria, see Meret and Siim 2013). Moreover, by emphasizing women’s needs while adapting a culturalized understanding of the “Other,” these left-wing and feminist actors promoted the belief in Swiss (or Western) cultural superiority and the need to “save” women. Both beliefs are closely entangled with a nativist politics of belonging, an important facet of gendernativism.

### **Forced Marriage as a Site for Nativist Politics of Belonging and Nationalist Cohesion**

The issue of forced marriage became a key site for a nativist politics of belonging and reinforced national cohesion in manifold ways. The Swiss government reacted by implementing extensive restrictions on immigration ostensibly to “prevent” forced marriages. This continued even as scholars, feminists, and civil society groups alike contested the criminalization of and immigration measures against forced marriage, not least because they are poor means through which to protect victims (Gangoli and Chantler 2009; Neubauer and Dahinden 2012). This response, based on the logic of the nation-state, is a core element of gendernativism.

Another nativist element complemented this nation-state logic: the issue of forced marriage involves criteria for judging marriages and families as “good” or “bad.” Forced marriage, constructed as a violation of women’s rights and culturally embedded in traditional patriarchal societies, poses a threat to “good” families, which are supposedly built on love- and consent-based relationships and are the foundation of the modern Western liberal state (Bonjour and de Hart 2013). This construction demonstrates the crucial role of states in determining acceptable forms of marriage and family and how people should behave toward each other in the intimate context of the family (Moret, Andrikopoulos, and Dahinden 2021). In national discourses, the nation is often referred to as a family and the state as a home for the nation—a

nativist representation (Duyvendak 2011). Forced marriage provides a means through which to border the intimate lives of people and frame some individuals as non-belongers and close the ranks among what is considered as the “native” population.

It might seem paradoxical that immigration restrictions were implemented at the same time as victims of forced marriage were made the focus of policy interventions to support them. However, as Bonjour and de Hart (2013, 72) argue, representing women as vulnerable and in need of help not only legitimizes state governance of intimate relationships, but also allows European politicians to demonstrate their commitment to gender equality and women’s rights and thus reinforces the belief that “we” are culturally or naturally superior, which can be considered as an attempt to reinforce national cohesion.

Finally, both Swiss and international researchers have emphasized that interpreting the violence inherent in forced marriage as originating in an essentialized culture—rather than as an expression of a particular form of structural gendered violence—obscures the multiple factors that give rise to and sustain this form of violence (Abji, Korteweg, and Williams 2019; Riaño and Dahinden 2010). The federal program targets migrant (descendant) women exclusively, reinforcing a symbolic boundary according to which migrant women are constructed as victims of their violent, illiberal, and gender-unequal culture, and “native” Swiss women’s marriages are modern and free from violence. This construction gives rise to a double standard in interpreting gendered violence: when domestic or other gendered forms of violence involve migrant women, the problem is interpreted as a cultural one, but when it involves Swiss women, it is interpreted as an individual and psychological problem (for these double standards, see Khazaei 2019).

### **The Entrenchment of the Gendernativist Discourse and the Denial of Liberal Subjecthood**

These framings of forced marriage have become entrenched in Swiss society as now all migrant (descendant) and Muslim women have come to be suspected of tolerating or conducting forced marriages. One example is “respect for the values of the Federal Constitution,” one of the integration requirements defined in the Foreign National and Integration Act and in the Swiss Citizenship Act.<sup>11</sup> The corresponding instructions<sup>12</sup> list various practices, including forced marriage (p. 44), that are considered violations of fundamental Swiss values. This means all people who are “targeted” by integration policy are automatically assumed to tolerate forced marriages and thus need to prove that they do not.

This widespread suspicion has led a broad range of actors to address migrants accordingly. Civil registry officers and officers responsible for family reunification, for example, are now required to identify suspicious marriages and refuse marriage and family reunification accordingly (see Lavanchy 2013).

In other words, every cross-border marriage involving people perceived as migrants, Muslims, or having a migration background (regardless of whether they are Swiss citizens or not) is suspected of potentially being a forced marriage.

In two research projects with descendants of migrants—one tackling cross-border marriages and the other interested in strategies in the face of stigmatization, racialization, and culturalization<sup>13</sup>—one of the authors (J.D.) has interviewed many individuals who spontaneously mentioned that their parents were suspected of having forced or arranged marriages. The two examples below illustrate how this discourse shapes everyday practices and interactions. The following situation has been narrated in numerous variations by different women. The researcher asked Mira, a 20-year-old Swiss woman, studying to be a health-worker, whose parents came from Kosovo, how her fellow students had reacted when she told them that she was married. She said that, because she was so young, they asked her how old she was when she got married. Her best friend, who was also present during this conversation, told us that Angela, another student, asked her in private whether Mira's marriage had been forced. When Mira heard this for the first time, she was surprised. Her friend laughed, stating that such suspicions were normal when one's parents were from Kosovo. Another typical example occurred in an interview with Halima, the 24-year-old Swiss-Somali woman we quoted at the beginning of this article. Just before her wedding at the age of 18 years to a Somali from the Netherlands, Halima went to see her doctor. When she told the doctor that she was going to get married [she] “made a whole story out of it.” The doctor asked her “thousands of questions, really, whether this was a forced marriage, or an arranged marriage, whether I was sure I wanted to get married” and apparently found it almost impossible to believe that her marriage was not forced or at least arranged.

These examples illustrate how women perceived as having a Muslim and/or migration background are stripped of their autonomy in everyday practices and discourses. Both women were Swiss citizens, but definitely not included in the category of “natives”—hence they were assumed to be unfree. The gendernativism lens shows that not only were they constructed as deprived of freedom and as subordinated, but they also disappeared as individual rights holders, as political subjects making use of their constitutional right to marry freely.

## The Burqa Ban: Unveiling in the Name of Freedom

The face veil has been the subject of public attention, legislation, and research in Europe and elsewhere for decades (for the Netherlands, see [Moors 2009](#); the same is true for the headscarf, see [Korteweg and Yurdakul 2014](#); for France, Belgium, and Switzerland, see the contributions in [Lépinard, Sarrasin, and Gianettoni 2021](#)). While many European states (e.g., Belgium, Bulgaria, Denmark, France, and the Netherlands) have introduced bans on the face veil

in public over the last two decades, we focus here on the burqa ban debate in Switzerland, which is more recent than that on forced marriage, and which targets Muslim women exclusively. This case study demonstrates some of the ways in which migranticized Muslim women who wear a face veil are politically and discursively framed as a priori unfree subjects, while veiled Swiss women, who are considered as “natives,” are not.

### From the Minaret to the Burqa Ban

In 2009, 57.5 percent of the Swiss electorate voted in favor of the so-called minaret ban. The referendum, which received international attention, was an important turning point in debates on Muslims in Switzerland and the subsequent ban has institutionalized Islamophobia in Switzerland (Eskandari and Banfi 2017) and triggered the “Islamization” of immigrants (Allenbach and Sökefeld 2010). Since then, many aspects of gendernativism and, more broadly, anti-Muslim feminism have become well established in public discourse in Switzerland (Boulila 2013).

Since 2006, several attempts to ban the face veil in public have been launched in the Federal Assembly, mostly by the right-wing SVP, but also by the Christian Democratic People’s Party. None of these attempts have succeeded, which is why the Egerkingen Committee, a political group comprising mostly members of the SVP that was also responsible for the minaret-ban initiative, launched a popular federal initiative to ban face coverings in 2016 and submitted the required signatures in 2017.<sup>14</sup> Just over half (51.2 percent) of the Swiss electorate voted in favor of it in March 2021.<sup>15</sup> The wording of the popular initiative is almost identical to that of French legislation prohibiting the face veil in public and legislation passed by the Canton of Ticino, the first canton to introduce such a ban in Switzerland in 2013. The text states that face coverings are banned in public and publicly accessible places, except holy sites, and except for reasons of health, security, climatic conditions, and local customs. Additionally, it states that “no one must force a person to cover her face because of her sex.” In reaction to the submission of the initiative and at the behest of the Federal Council, the Federal Assembly adopted a counterproposal that would have required women to unveil when in contact with public authorities if necessary for identification purposes. However, as the popular initiative was accepted by the electorate, the counterproposal will not come into force.

In the following, we discuss gendernativist elements in the discourse regarding the burqa ban by analyzing both the arguments presented by the Egerkingen Committee in regard to the initiative and the Federal Council’s report on it and the counterproposal (Bundesrat 2019). While the Egerkingen Committee’s arguments are representative of right-wing discourse, the report by the Federal Council represents mainstream political and public discourse—given its consensual and egalitarian composition including all major

parties—and thus illustrates that gendernativism has become institutionalized and part of the dominant public discourse.

### Nativist Boundary Making and the Production of National Cohesion

The following excerpts from the Egerkingen Committee’s text echo the debate regarding forced marriage. The face veil is framed as a problem pertaining to the migration of non-European Muslims, who import not only spouses, but also a backward understanding of women that is fundamentally opposed to the gender equality that exists in Switzerland. Covering one’s face is interpreted as a form of submission, signaling that Muslim women are unequal to both Muslim men and Swiss women:

With the continuing wave of migration to Europe, it is mainly Muslims who are coming to Europe. . . . With this Muslim migration wave, a backward, archaic understanding of women is also being imported into Europe. As a result of radical Islamic family law, which entirely subordinates women to men, women’s oppression is once again spreading.

An “arch-conservative Islamic doctrine,” including the concealment of women’s faces, is diametrically opposed to the equality of men and women as we live it in Switzerland.

In contrast to forced marriage, the face veil is framed less in terms of culture and more in terms of radical Islam, which is constructed as incompatible with basic Western values and therefore as a threat to liberal democracies. The committee employs a nativist argument by claiming that those who wear it are therefore not members of the Swiss nation:

The face veil is an expression of non-belonging and self-distancing by Muslims. It is part of radical Islamic family law, according to which the man rules over the woman, and which rejects basic Western values. We must not tolerate parallel societies with their own legal systems.

Furthermore, by building on claims regarding the Enlightenment and the West, the committee echoes colonialist, nationalist, and civilizationist discourses. This representation is emblematic of what Fekete (2006, 8), building on Stolcke’s (1995) concept of *cultural fundamentalism*, has called “enlightened fundamentalism”—the belief that the Enlightenment is a “sacred, finished process” and “the foundation of western European culture, which therefore needs to be defended.” At the intersection of nationalism and civilizationism lies a Western, European, Christian, liberal civilization or culture that is superior to a backward, regressive, and illiberal Islam. The committee’s emphasis on liberal values and long-realized gender equality produces a bright boundary between the Muslim “Other” and the “native” cohesive Swiss “We”: “The West is committed to the tradition of lived freedom through self-responsibility. . . . the face veil has no place in Western societies based on the rule of law.”

One of the committee's central arguments involves "freedom," which it understands to involve being able to look at—and thus show—each other's faces. This is declared a central, inalienable basic value of living together and a fundamental concern of Western, liberal social orders:

In enlightened European states like Switzerland, one of the central, inalienable basic values of living together is showing one's face. . . . Free people—women and men—look each other in the face when they talk to each other. No free human being covers their face. No one should be forced to cover their face in Switzerland, the land of freedom. Democracy, supported by citizens with equal rights, thrives on dialogue, on the peaceful competition of arguments. In a democratic society, this competition of arguments and the associated advocacy for personal positions and values take place openly, between individuals who can look at each other directly.

This imagination of society and liberal democracy is not only naïvely romanticized, as democracy is nowadays hardly ever a face-to-face matter (if it ever was), but it also excludes veiled women, and Muslim migrants more generally, from the domain of liberal democracy by postulating the unveiled face as a condition sine qua non. At the same time, it produces a powerful image of cohesion among an imagined "native" Swiss nation historically free from immigration and consisting of free and equal citizens—in nativist terms of the real, authentic, and rooted citizen (Duyvendak 2012).

Furthermore, and not surprisingly, advocates for the ban and especially feminists also employ the well-known argument that it is necessary to "save" the veiled woman through state intervention. According to the committee, the ban is "not a legal dress code, but liberates women from religious oppression, manifested by the forced veiling of the face."

### **Mainstreaming and Institutionalization**

So far, we have discussed the arguments of the right-wing, pro-ban Egerkingen Committee. In the following, we analyze how mainstream discourse has been impregnated by right-wing narratives. The Federal Council's report concerning the popular initiative and the counterproposal states:

The Federal Council shares the view that showing one's face plays an important role in social exchange. It acknowledges in particular that wearing a face veil, such as a burqa or a niqab, for religious reasons may cause discomfort for many people. A face veil is an expression of fundamentalist currents in Islam and indicates a refusal to integrate. It does not correspond to the values of openness and exchange that underlie our democracy. . . . The Federal Council also points out that the law in force, namely the law on foreigners and citizenship, provides concrete answers to

justified concerns about integration and the incompatibility of radical Islamic currents with Swiss values. (Bundesrat 2019, 2914)

The report largely employs the arguments of the initiative and reproduces bright boundaries regarding showing one's face, liberal democratic values such as openness and exchange, and the incompatibility of radical Islam with Swiss values, while adding the refusal to integrate. By adopting a counterproposal to the popular initiative as a "specific response to problems that may result from face coverings," the Federal Council agrees with the committee that face veils pose a problem (Bundesrat 2019, 2914).<sup>16</sup> Accordingly, a preliminary draft of the counterproposal contained a specific provision that "anyone who requires someone to cover their face by force or threat of serious harm or by other restrictions on her freedom of action shall be punished."<sup>17</sup> Note that, of course—as is also true of forced marriage—the use and threat of violence are already strictly prohibited under the more general offense of coercion.<sup>18</sup> Although the provision was later dropped, it—again like forced marriage—reproduced the image of the oppressed woman (and the male perpetrator). This assumption of oppression is fueled by the "liberation" discourse employed by both proponents and opponents of the ban. While the former argue that the ban would free women from oppression, the latter argue that it would isolate them further and make access to women's shelters and other services more difficult. Thus, although the Federal Council clearly rejects the popular initiative submitted by the Egerkingen Committee, its report largely reproduces its underlying logic of gendernativism.

### **Negation of Muslim Women's Status as Liberal Subjects**

According to the Egerkingen Committee, veiled women cannot be free and equal citizens, because free and equal citizens show their face in public. Following this reasoning, veiling one's face cannot be the voluntary act of a free and equal subject of liberal democracy (Kaya 2014). Consequently, the committee refers to veiling one's face as "allegedly voluntary" or places the word "voluntary" in quotation marks. This strategy allows the committee to bypass the argument that the ban constitutes an infringement of individual rights—a common legal argument (see e.g., Vorpe (2016)<sup>19</sup>)—because no act can be considered to be an exercise of an individual right if it is not voluntary.

Although the Federal Council does not adopt this argument, its report does little to counter this discourse and in fact reproduces it. While the report considers the ban an infringement of personal rights and accepts that wearing a face veil can be voluntary, it does so along nativist lines. According to the report, one must "consider the possibility that the face veil can be the free choice of a person, as is the case among converted Swiss women" (Bundesrat 2019, 2915). This sentence and the one quoted at the beginning of this article are the only references to autonomy and voluntariness in the entire report, and they both explicitly refer to Swiss converts. In this sense, the report brightens

the nativist boundary between the free Swiss convert, who may indeed choose to wear a veil voluntarily, and the migrant Muslim woman, who is incapable of such voluntarism. In the parliamentary debate on the ban, the speaker of the parliamentary commission responsible for the proposal employed the same reasoning, stating that “it is quite conceivable that women veil themselves of their own free will. This is particularly the case when women living here deliberately convert to Islam.”<sup>20</sup>

This nativist boundary drawing based on the image of the free Swiss convert was reinforced by the public figure of Nora Illi, a well-known and controversial Swiss convert who died in March 2020. Illi was a member of a small but vocal association of Swiss converts to Islam with the pretentious name Islamic Central Council of Switzerland that received considerable media attention. She regularly appeared on television in a face veil and stated that the veil gave her “a feeling of freedom.”<sup>21</sup> In her case, the face veil has never been interpreted as a symbol of oppression, and her claim that it allowed her to feel free has never been questioned (instead, it was denounced as an act of provocation).

The Federal Council’s report states that veiled women in Switzerland may be “subjected to substantial (familial or cultural) pressure without being victims of actual coercion” (Bundesrat 2019, 2938). Dietze (2009, 38) has referred to such arguments as “the non-decidability of voluntariness,” implying the assumption of general involuntariness. Veiled Muslim women are commonly represented as having internalized patriarchal norms and as haunted by false consciousness instilled by religious precepts. They are systematically believed to lack genuine freedom of choice and thus moral autonomy (Gianni 2019, 90).

The discourses of the Egerkingen Committee and the Federal Council differ regarding whether Swiss converts can voluntarily decide to wear a face veil. They coincide, however, in their view that migrant Muslim women cannot. This view results in the discursive negation of the veiled migrant woman as a political subject of liberal democracy with individual rights and liberties: because her act of veiling her face cannot be an expression of a fundamental liberty, banning the face veil does not constitute an infringement of this liberty. Yet, as (minimalist) autonomy is a necessary condition for political subjecthood, denying autonomy to veiled migrant women violates a fundamental premise of political liberalism (Galeotti 2015).<sup>22</sup> Of course, this exclusion from an allegedly universal political subjecthood is as old as the idea of political liberalism itself. Like the project of (white) feminism, the project of political liberalism has always pretended “to be universal but nonetheless rests upon what Judith Butler has termed ‘excluded domains’” (Lépinard 2020, 12).

## Conclusion

In this article, we introduced the concept of gendernativism to highlight specific aspects of boundary making on the basis of gender equality and

women's rights. We defined nativism as a constructed, nested and multilayered form of Othering as the opposite of the "real national citizen." This nativist Othering produces gendered inclusion (and exclusion) and is built on racialization, nationalism, and migranticization. By examining two case studies through the prism of gendernativism—forced marriage and the burqa ban—we have demonstrated that boundary making against migrant (descendant) and Muslim women produces national closure and cohesion among an imagined (culturally) superior Swiss nation of free and gender-equal "natives." The case studies also reveal that a nativist understanding of the imagined liberal Swiss citizen is widespread and deeply entrenched in the country. A precondition for being a member of the free and gender-equal "us," therefore, is being a "native" Swiss.

The concept of gendernativism seems at first sight to be incorporating a nationally bounded view. Yet, we see it rather as standing for a highly transnationalized process which triggers nativist, national and Western closure. The dichotomous representation of the free Swiss/European woman versus the unfree/illiberal migrant and Muslim woman is of course transnationalized in the sense that it is relevant in many places globally—as the burgeoning literature scrutinizing this phenomenon attests. Yet, we argue that the ways such transnationalized representations of the "problematic migrant and Muslim Others" (e.g., as captured by Brubaker's (2017) *civilizationism* and Fekete's (2006) *enlightened fundamentalism*) become *locally* embedded and appropriated are contingent on specific local histories and political-economic conditions—and, hence, can differ from one place to the other (as shown, for instance, by Yurdakul and Korteweg 2013 for different contexts). In the case of Switzerland, a fundamental nativist conception of the nation—the *Eidgenossenschaft*—together with a long-established discourse on *over-foreignization* is crucial. In other words, our article calls for comparative studies considering commonalities and differences—in terms of (colonial) history, socio-economic conditions, national myths, etc.—when it comes to the construction and exclusion of "Others." While some scholars (e.g., Korteweg and Yurdakul 2014; Lépinard, Sarrasin, and Gianettoni 2021) started to tackle these issues in a comparative and transnational perspective, we argue that this still is an important research gap.

By introducing gendernativism as yet another concept to grasp these complex phenomena, we by no means intend to sideline or replace existing concepts and theories. On the contrary, we attempted to push these debates further, in at least five respects. First, while scholars (e.g., Hadj Abdou 2017) point to *national* forms of politics of belonging (Yuval-Davis 2006) underlying this phenomenon, we argue that they are complemented by *nativist* forms. Our concept calls for a more careful distinction between *nationalist* and *nativist* forms of exclusion. Second, we showed that these discourses not only have led to unholy alliances between neoliberals, feminists, and the far right, as highlighted, for instance, by Farris (2017), but, additionally, have been

institutionalized and embedded throughout society and became standard assumptions in everyday practices and interactions. In this sense, our results indicate that further research on everyday processes of Othering is needed. Third, we demonstrated that gendernativism is a multi-nested concept insofar as it allows us to simultaneously grasp colonial legacies and the effects of the specific logic of the nativist nation-state. Racialization as much as culturalization and migrantization give birth to the imaginary of free, liberal “native” Swiss people. In other words, the dichotomous construction of the illiberal migrant/Muslim Other versus the free and gender-equal Swiss cannot solely be explained by race and racialization, just as it cannot be understood only in terms of culturalization and migrantization. In this sense, the concept of gendernativism allows us to push forward debates that carefully distinguish between these different concepts and forms of exclusions (in line, for instance, with the work of [Tudor 2018](#)), bringing together postcolonial approaches with approaches of de-migrantization ([Dahinden 2016](#)). Fourth, the concept of gendernativism can complement the body of literature on nativism, from which gender issues are usually absent and where nativism appears as a gender-neutral concept—which it obviously is not. Finally, gendernativism has the (gendered) effect that basic liberal assumptions about subjecthood are violated. [Strasser \(2014, 62\)](#) developed the concept of *repressive autonomy* which claims to grant women autonomy while in fact preventing autonomy: “enforced freedom” uses illegitimate means and exerts violence not in the name of culture, but in the name of liberal values and equality. Thereby, liberal (feminist) values such as gender equality and emancipation are—despite claims of universalism—often depicted in very particular, Eurocentric ways that exclude female subjectivities which do not suit the liberal political and moral imaginary and that perpetuate the “equation between liberalism and whiteness” ([Lépinard 2020, 4](#)). According to [Galeotti \(2015\)](#), autonomy, the marker of political subjecthood, is *presumed* in political liberalism. As we have shown, it is precisely this presumption that is violated by gendernativism.

In conclusion, our findings indicate a need to reject any culturalized, racialized, and migrantized lenses through which gendered forms of oppression, violence, and dominance are still all too often examined ([Anderson 2019](#)). This also means avoiding any epistemic gendered violence ([Spivak 1993](#)) and refraining from racist universalizing liberal feminist claims, a call that remains important, even though it was formulated decades ago ([Hooks 1984](#); [Lorde 1977](#); [Mohanty 1984](#)). This demands a reflexive and more inclusive stance regarding the (European) model of liberal society and political subjecthood. Our findings support studies that show that migrants and Muslims are often not considered autonomous political subjects capable of participating in the determination, reinterpretation, and resignification of collective norms ([Gianni 2019](#); [Shachar 2007](#))—in this case marital, religious, and dress-related freedoms.

Our case studies reveal how female subjectivities that do not suit the liberal political and moral imaginary continue to be excluded and a nativist image of liberal Swissness/Europeanness is perpetuated which is deeply racialized and migrantized. The questions, therefore, become: to whom do European, supposedly liberal states such as Switzerland concede full liberal subject status, including the autonomy to make decisions that might not seem “normal” or which “cause discomfort” to others? Ultimately, how can liberal democracies “create a space of possibility for the Other” (Lépinard 2020, 245)? Who is given a voice in interpreting topics, and how can that of an intersectional, anti-racist feminism—which takes the issue of equal political subjecthood seriously—be promoted? To begin with, a shift from a culturalized, racialized, and migrantized perspective to a (revised) liberal one would involve the recognition of migrant (descendants) and Muslim women as political subjects and equal citizens.

## Notes

1. This article was jointly written by the two authors. While Janine did the empirical research on forced marriage and Stefan on the burqa ban, the theoretical analysis and argument were developed jointly and in close collaboration.
2. Throughout this article, we use the term *migrant and Muslim women* to denote women who are perceived and addressed as migrants and/or Muslim in public (discourse), regardless of whether they actually are or self-identify as migrants and/or Muslims. In the same vein, we use *migrant descendants* for those who in Switzerland are generally labelled “persons with a migration background”—often people who were born in Switzerland and are Swiss citizens—regardless of whether they self-identify with this category or not. The same applies to the terms *native Swiss* and *European*. Finally, we use the terms *forced marriage* and *burqa ban* as emic rather than analytical concepts. This is in keeping with our investigation into how the debates surrounding these issues construct Otherness.
3. Marcacci, Marco. 2012. “Schweizerische Eidgenossenschaft.” In: *Historisches Lexikon der Schweiz (HLS)*, Version vom 6. September 2012, übersetzt aus dem Französischen. Online: <https://hls-dhs-dss.ch/de/articles/009826/2012-09-06/> (accessed on December 15, 2021).
4. See for instance: <https://www.nzz.ch/schweiz/schweizer-aber-niemals-eidgenosse-1.18190462?reduced=true> (accessed on December 15, 2021).
5. <https://www.admin.ch/opc/de/official-compilation/2013/1035.pdf> (accessed on December 15, 2021).
6. See, for instance, Luedecke, Matthias. 2005. “Zwangsehe. Verheiratet, verzweifelt.” *Beobachter*, May 21; Fulpius, Semaja. 2006. “Un mariage forcé conduit un père et un mari turcs à l’expulsion.” *Le Matin*, May 28; Schwendener, Pascal. 2006. “Bern: Jede Woche eine Zwangsheirat [und die Schweiz schläft weiter].” *Berner Zeitung*, October 20.

7. <https://www.parlament.ch/de/ratsbetrieb/suche-curia-vista/geschaeft?AffairId=20041181> (accessed on December 15, 2021).
8. <https://www.parlament.ch/de/ratsbetrieb/suche-curia-vista/geschaeft?AffairId=20063658> (accessed on December 15, 2021).
9. Renz, Fabian. 2012. *Ausländer, die ihre Kinder in eine Ehe zwingen, sollen das Land verlassen*, *TagesAnzeiger*, February 16.
10. Ralf Latina, 2017, *L'horreur des mariages forcés*, Tribune de Genève, February 11.
11. [https://www.fedlex.admin.ch/eli/cc/2007/758/en#art\\_58\\_a](https://www.fedlex.admin.ch/eli/cc/2007/758/en#art_58_a), <https://www.admin.ch/opc/en/classified-compilation/20092990/index.html#a12> (both accessed on December 15, 2021).
12. <https://www.sem.admin.ch/dam/data/sem/rechtsgrundlagen/weisungen/auslaender/weisungen-aug-d.pdf> (accessed on December 15, 2021).
13. All names are anonymized. The examples come from two studies: Cross-border marriages under conditions of transnationalization and politicization. A case study in Switzerland, funded by the Swiss National Science Foundation (2014–2017); and Religion et ethnicité: quelles pratiques, quelles identités, quelles frontières? Une étude avec de jeunes adultes. Swiss National Research Program NRP 58 on Religion and State in Switzerland (2007–2010). All quotes are our translation from German or French into English.
14. For the text of the initiative and all the following quotations, see: <https://verhuellungsverbot.ch/initiativtext> (accessed on December 15, 2021).
15. <https://www.bk.admin.ch/ch/d/pore/va/20210307/can638.html> (accessed on December 15, 2021).
16. At the same time, the Federal Council concedes that face veils are extremely rare in Switzerland and mostly worn by tourists ([Bundesrat 2019](#), 2914).
17. <https://www.bj.admin.ch/dam/bj/de/data/gesellschaft/gesetzgebung/verhuellungsverbot/vorentw-d.pdf.download.pdf/vorentw-d.pdf> Art. 181 Abs. 2: 2 (accessed on December 15, 2021).
18. Indeed, the Federal Council clearly acknowledges in its report on the face-veil initiative that the provision is “superfluous, as the Criminal Code already contains such a prohibition” ([Bundesrat 2019](#), 2942).
19. See also the decision *S.A.S v. France* (no. 43835/11, July 1, 2014) by the European Court of Human Rights, which states at paragraph 110 that the ban on the face veil in France constitutes “an ‘interference’ with or a ‘limitation’ of the exercise of the rights protected by Articles 8 and 9 of the Convention.”
20. <https://www.parlament.ch/de/ratsbetrieb/amtliches-bulletin/amtliches-bulletin-die-verhandlungen?SubjectId=49386#votum1> (accessed on December 15, 2021).
21. <https://www.srf.ch/play/tv/news-clip/video/frauenbeauftragte-des-zentralrats-nora-illi-zur-verschleierung-club-11-05-2010?id=4261cfb1-4303-443c-b085-332fd7fdce29> (accessed on December 15, 2021).
22. The notion of political subjecthood as employed in this article requires only a “minimalist definition of autonomy” (or: a “thin” conception of

agentic behavior, Lépinard 2020, 246) with “the underlying assumption that, without proof to the contrary, one must be considered as consenting to one’s life conditions and the agent of one’s own life” (Lépinard 2011, 210).

## Acknowledgments

Many thanks to Camille Schmoll and Thomas Lacroix for having invited the first author to present a very drafty version of this paper at the *Cycle de journée d’études, le tournant critique dans les études migratoires (CRITMIGR)* at the Université Paris 7 Denis Diderot in April 2019. An early version of this article was then presented by the second author at a Research Day at the National Center of Competence in Research (nccr—on the move) at the University of Neuchâtel in January 2020; many thanks for the helpful and substantial comments we received on that occasion, especially by Saskia Bonjour. We would also like to thank the IMISCOE Standing Committee Gender and Sexuality in Migration Research, particularly Sarah Scuzzarello, who made it possible for us to present a more developed version of this article at the IMISCOE conference panel Gendered and Sexualized Governance of Mobility and Integration on July 2, 2020. A big thank you goes also to the reviewers for their insightful and constructive comments. Finally, we would like to express our gratitude to Daniel Moure and Julene Knox for the careful editing of our German English. We take full responsibility for the content of this article.

## Funding

This article was partly supported by the National Center of Competence in Research (nccr—on the move), which is funded by the Swiss National Science Foundation, grant no. 51NF40\_182897.

## Conflict of Interests Statement

There are no conflicts of interest.

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